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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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COMMUNICATIONS SECTION

In the Matter of)
)
Request of Limited Modification of)
LATA Boundaries to Provide ELCS)
Between the Oakland)
Exchange and the Tyler)
Exchange.)

96-159

DOCKET FILE COPY ORIGINAL

PETITION

I. INTRODUCTION

Southwestern Bell Telephone Company (SWBT), pursuant to Section 3(25) of the Communications Act of 1934, as amended,¹ and in accordance with the guidelines established in the Commission's Memorandum Opinion and Order (MO&O) released July 15, 1997 in CC Docket No. 96-159,² hereby makes application for a limited modification of LATA boundaries to provide ELCS between the Oakland exchange and the Tyler exchange.

II. SUPPORTING INFORMATION

As prescribed in paragraph 23 of the aforementioned Commission MO&O, SWBT provides the following information in support of its application:

1. Type of service: Flat-rate, non-optional Expanded Local Calling (ELC);

¹ The Communications Act of 1934, as amended, 47 U.S.C. *et al.*

² Memorandum Opinion and Order, Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service at Various Locations, CC Docket No. 96-159, released July 15, 1997. By way of this MO&O the Commission adopted a format for and criteria under which such petitions would be granted. The format and criteria are detailed in paragraphs 23 and 24.

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2. Direction of service: Two-way;
3. Exchanges involved: Oakland in the Dallas, TX LATA and Tyler in the Longview, TX LATA;
4. Name of carriers: Oakland of Contel/GTE Southwest, Inc. and Tyler of Southwestern Bell Telephone;
5. State commission approval(s): See Attachment A;
6. Number of access lines or customers: The Oakland exchange has 578 access lines, and the Tyler exchange has 76,784 access lines;
7. Usage data: Usage data is not available to Southwestern Bell Telephone. SWBT does not currently carry traffic across LATA boundaries;
8. Poll results: Percentage of Oakland customers returning ballots who voted in favor of ELC to Tyler: Greater than 70 percent. Where SWBT is the petitioning exchange, there is no proposed rate increase. Where SWBT is not the petitioning exchange, SWBT does not have information as to any proposed rate increase.
9. Community of interest statement: The Public Utility Commission of Texas includes a Community of Interest Finding in their Order(s). See Attachment A.
10. Map: See Attachment B; and.
11. Other pertinent information: None

III. *PRIMA FACIE* SHOWING

SWBT believes that it has made a *prima facie* case supporting grant of the proposed modification because the instant ELCS petition (1) has been approved by the state commission; (2) proposes only traditional local service (i.e., flat-rate, non-optional ELCS); (3) indicates that the state commission found a sufficient community of interest to warrant such service; (4) documents this community of interest through such evidence as poll results and descriptions of the communities involved; and. (5) involves a limited number of customers or

access lines. These requirements for a *prima facie* case are detailed in the aforementioned Commission MO&O paragraph 24.

IV. CONCLUSION

Wherefore, SWBT request that the Commission approve its application for a limited modification of LATA boundaries to provide ELCS between the Oakland exchange and the Tyler exchange.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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AUGUST 29, 1997

DOCKET NO. 14136

PETITION FOR EXPANDED LOCAL
CALLING SERVICE FROM THE
OAKLAND EXCHANGE TO THE
EXCHANGE OF TYLER

§
§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS

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PUBLIC UTILITY COMMISSION
CLERK

INTERIM ORDER

Findings of Fact

1. On December 20, 1994, subscribers of the Oakland Exchange filed a petition for Expanded Local Calling Service (ELCS) requesting non-optional, two-way, flat rate calling to the exchange of Tyler.
2. The processes for petitioning and balloting included notice that the service would be for a flat monthly fee of up to \$3.50 per residential line and \$7.00 per business line on a non-optional basis.
3. The Oakland Exchange is in the Dallas Local Access and Transport Area (LATA) and is served by GTE Southwest, Inc. (GTE-SW). The petitioned exchange of Tyler is in the Longview LATA and is served by Southwestern Bell Telephone Company (SWBT).
4. An affirmative vote of at least 70 percent of Oakland Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Tyler Exchange.
5. On July 15, 1997, the Federal Communications Commission (FCC) issued an order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), providing a procedure for requesting a limited LATA boundary modification.

6. The petitioned exchange of Tyler is within the 22-mile distance requirement for community c interest to be presumed to exist between the petitioning and petitioned exchanges pursuant to 16 T.A.C. §23.49(c)(3)(B)(ii)(II) [effective date 12/7/93].

7. In addition to satisfying the presumptive geographic community of interest test in the Texas Public Utility Commission's rules, an affidavit attesting to the existence of a community of interest between the petitioning and petitioned exchanges was filed on September 13, 1995 for the petitioned exchange of Tyler.

8. The Tyler Exchange provides two regional hospitals, doctors, other health care-related service providers, a university and junior college, professional services, entertainment, business suppliers and headquarters for East Texas Council of Governments for Oakland Exchange subscribers.

9. Based on the affidavit referenced in Finding of Fact No. 7, there is a community of interest between the petitioning Oakland Exchange and the petitioned exchange of Tyler.

Ordering Paragraphs

In accordance with the findings of fact, the Commission issues the following Interim Order:

1. This proceeding is unabated.
2. Petitioners from the Oakland Exchange have shown a community of interest with the Tyler exchange.

DOCKET NO. 14136

INTERIM ORDER

3. Within thirty (30) days of the effective date of this Interim Order, SWBT is directed to file a request for a limited modification of the LATA boundary in accordance with the procedures outlined in the FCC order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), ¶¶ 23 & 24.

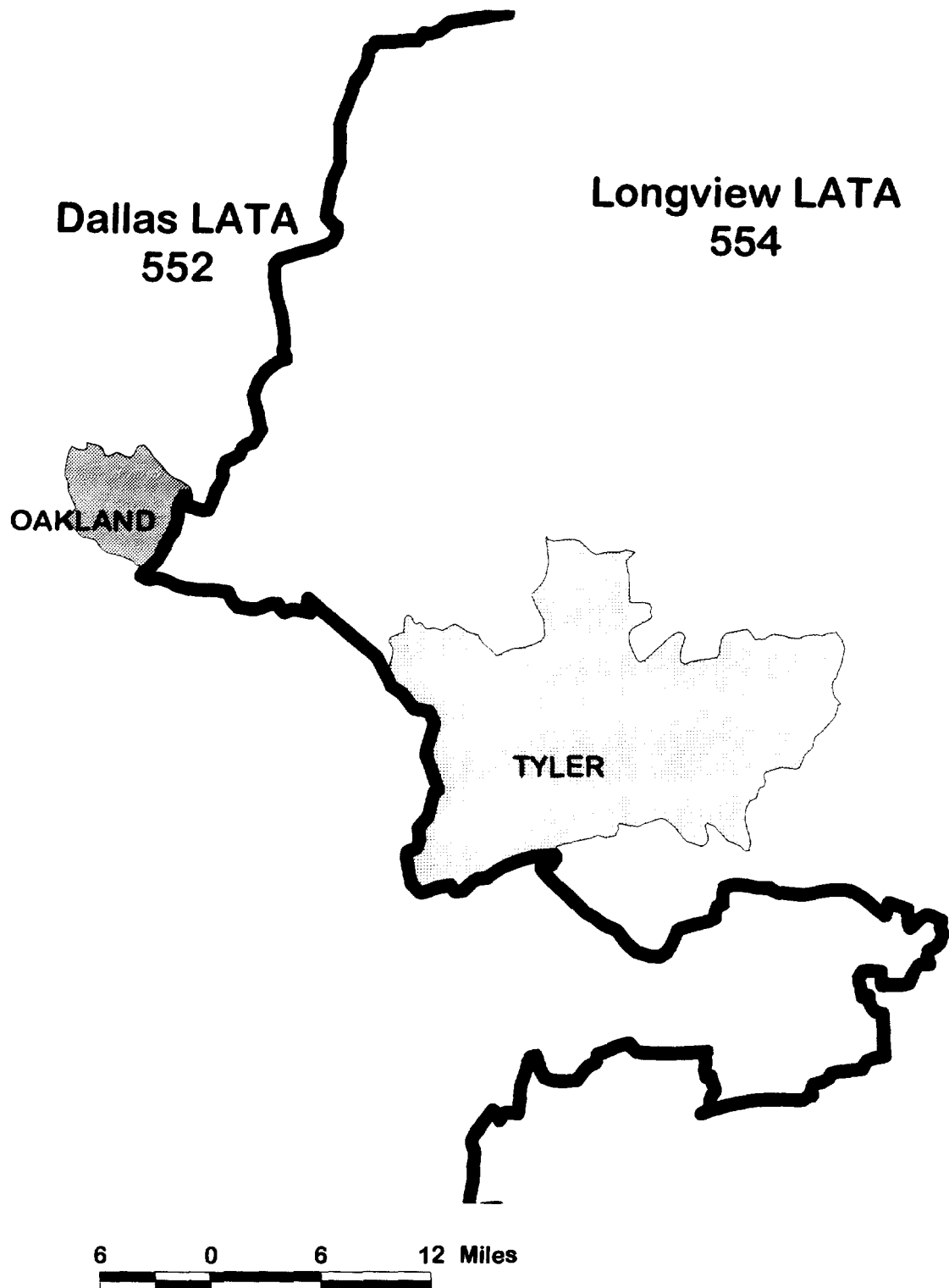
4. Within ten (10) days of the receipt of an Order or Notice from the FCC relating to this petition, SWBT is directed to file such Order or Notice in this project.



ISSUED BY THE OFFICE OF POLICY DEVELOPMENT
ON BEHALF OF THE PUBLIC UTILITY COMMISSION OF TEXAS
ON THE 5th DAY OF AUGUST, 1997

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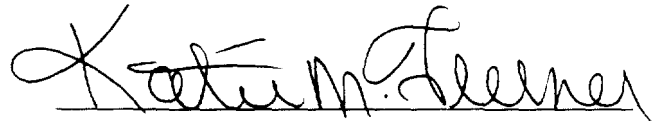
Oakland To Tyler



 GTE Southwest Inc. Exchange
 Southwestern Bell Telephone Exchanges

CERTIFICATE OF SERVICE

I, Katie M. Turner, hereby certify that the foregoing, "PETITION OF SOUTHWESTERN BELL TELEPHONE COMPANY" in Docket No. 96-159 has been filed this 29th day of August, 1997 to the Parties of Record.

A handwritten signature in cursive script, reading "Katie M. Turner", written over a horizontal line.

Katie M. Turner

August 29, 1997

Texas Public Utility Commission
1701 North Congress
Austin, Texas 78701